HIGH COURT OF UTTARANCHAL AT NAINITAL

(Court's order whether the case is or not approved for reporting)

(Chapter VIII Rule 32 (2)(b)

Description of the case.

W.P. S/S No. 898/2006

Amit Kumar Tyagi

vs

The State of Uttaranchal
Principal Secretary
Forest Department

Approved for reporting

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~~Not approved for reporting~~

Date of decision 10-2-2006

Initial of Judge

HIGH COURT OF UTTARANCHAL AT NANITAL

Writ Petition No. 85 (S/S) of 2006

With

Stay Application No. 898 of 2006

Amit Kumar Tyagi S/o Sri Dharam Pal Tyagi
R/o Village and Post Tansipur,
District- Haridwar. **.....Petitioner.**

Vs

1. The State of Uttaranchal, through its Principal Secretary, Forest Department Government of Uttaranchal, Dehradun.
2. The Principal Chief Conservator of Forest Uttaranchal Rajpur Road, Dehradun.
3. The Chief Conservator of Forest, Garhwal Region, 85 Rajpur Road, Dehradun.
4. The Conservator of Forest, Shivalik Circle, 5 Tilak Road, Dehradun.
5. The Divisional Forest Officer, Haridwar Forest Division, Bilkeshwar, Haridwar. **.....Respondents.**

With

Writ Petition No. 88 (S/S) of 2006

Smt. Sunita Singh Widow of Sri Bhanwar
Singh, R/o Village and Post Ganeshpur Roorkee,
District- Haridwar. ..... **Petitioner**

Vs

1. The State of Uttaranchal, through its Principal Secretary, Forest Department Government of Uttaranchal, Dehradun.
2. The Principal Chief Conservator of Forest Rajpur Road, Dehradun.
3. The Chief Conservator of Forest Garhwal Region, 85 Rajpur Road, Dehradun.
4. The Conservator of Forest, Shivalik Circle, 5 Tilak Road, Dehradun.

5. The Division Forest Officer, Haridwar Forest Division, Bilkeshwar, Haridwar. ..... **Respondents**

Sri P.C. Jhingan learned counsel for the petitioner.
Sri Nand Prasad learned Standing counsel for the respondents.

Dated:-10-02-2006

Hon'ble Rajesh Tandon J.

Heard Sri P.C. Jhingan learned counsel for the petitioner and Sri Nand Prasad learned Standing counsel for the State.

Both the parties have agreed that he matter may be disposed of at the admission stage.

By the present writ petition the petitioner has prayed for the issue of a writ, order or direction in the nature of mandamus commanding the respondents to regularize the service of the petitioner with effect from the date of his initial appointment on the post held by him in the Forest Department.

Brief facts giving rise to the present writ petition are that according to the case, the petitioner has been working as Orderly since 2000 on daily wage basis and has been getting Rs. 2265/- per month which is less then minimum of the pay scale of regularly appointed of Class IV employee of the Government Department including Forest Department.

The petitioner has referred the Judgment of the apex court in Civil Appeal No. 3634 of 1998 State of U.P. And another Vs. Putti Lal in paragraph 4of the writ petition, the same is quoted below:-

> *"In several cases this court applying the principal of equal pay for equal work has held that a daily wager, if he is discharging the similar duties as those in the regular employment of the Government, should at least be entitled to receive the minimum of the pay scale though he might not be entitled to any increment or any other allowance that is permissible to his counter part in the Government. In our opinion that would be the correct position and we, therefore,*

direct that these daily wagers would be entitled to draw at the minimum of the pay scale being receive by their counter part in the Government and would be entitled to any other allowance or increment, so long continue as daily wager."

The petitioner has referred the Uttaranchal Forest Department Regularization (On Group 'D' Posts) of Daily Wages Appointed Rules, 2003.

Liberty is given to the petitioner to make a representation within a period of two months to the concerned authority and the same shall be disposed of in accordance with Uttaranchal Forest Department Regularization (On Group 'D' Posts) of Daily Wages Appointed Rules, 2003 within a period of three months after production of the certified copy of the order. However, it is made clear while considering the representation, the respondent shall pay the minimum pay to the petitioner in accordance with the Rules Forest Department Regularization (On Group 'D' Posts) of Daily Wages Appointed Rules, 2003.

With the above observation the writ petition is disposed of. No order as to costs.

(Rajesh Tandon, J)

Dated:- 10-2-2006

M.K.